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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,802	05/24/2001	John C. Seibel	068082.0111	4516

7590

12/03/2003

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EXAMINER
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CHANNAVAJJALA, SRIRAMA T

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 12/03/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

4

## Office Action Summary

Application No.

09/865,802

Applicant(s)

SEIBEL ET AL

Examiner

Srirama Channavajjala

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6-7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

1. Examiner acknowledges applicants preliminary amendment filed on 9/26/2001, paper no. # 4

***Drawings***

2. The drawings filed on 5/24/2001 are approved by the Draftsperson under 37 CFR 1.84 or 1.152,

***Information Disclosure Statement***

3. The information disclosure statement filed on 9/26/2001, 10/9/2003, paper no. # 6-7 has been considered and a copy was enclosed with this office action, paper no. # 8.

***Oath/Declaration***

4. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application-by-application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

a) it is not clear whether applicant is claiming priority based on provisional application 60/60/206772 filed on 5/24/2000.

b) Applicant is required to provide Application Serial No. at page 1.

### ***Specification***

In the preliminary Amendment paper no. # 4, page 2, applicant is required to update the status of "related patent applications" in response to this office action, paper no. # 8.

### ***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of

copending Application No. 09/862,832, Claims 1-18 of co-pending Application No. 09/862,814. Although the conflicting claims in both applications 09/862,832 and 09/862,814 are not identical, they are not patentably distinct from each other because the claim(s) of the copending applications merely omits details of the claim(s) of the current application such omittance of details being obvious and results in the current claim subsuming the material of the copending application,

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2177

7. Claims 1,3-10,12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Alvin, WO 00/23929 published on 27 April 2000.

8. As to Claims 1 and 10, Alvin teaches a system which including 'a database server system for a web-based lead generator system, which generates leads via the internet for potential customers for a business enterprise' [page 8, line 13-24], 'a data acquisition process for extracting data from the enterprise's internal data sources' [page 8, line 31-33, page 9, line1-9],, 'a data mart for storing the extracted data' [page 28fig 1, element 70], Alvin specifically teaches storing various information related to customers, product, order in a specific database that corresponds to storing data in a data mart, 'a query repository for storing queries presented to the data mart' [page 9, line 15-21, page 11, line 25-27; page 24, line 7-11], 'a chart repository for storing charts resulting from queries' [page 11, line 18-27], charts corresponds to Alvin's graphs, 'a web server for providing access to the charts by the enterprise, via a web browser' [page 7, line 27-32,page 8, line 21-24,,fig 1].

9. As to Claims 3 and 12, the limitation of this claim has been noted in the above rejection claims 1,10. In addition, Alvin disclosed 'charts represent customer profiles' [page 9, line 21-25, fig 1, element 710], customer profile is integral part of customer database.

Art Unit: 2177

10. As to Claim 4 and 13, the limitation of this claim has been noted in the above rejection claims 1,10. In addition, Alvin disclosed 'the internal data sources are sales data sources' [page 8, line 28-31,page 19, line 25-29].

11. As to Claim 5 and 14, the limitation of this claim has been noted in the above rejection claims 1,10. In addition, Alvin disclosed 'internal data sources are from contact management software' [page 21, line 15-26], customer service is one of the part of contact management because Alvin teaches specifically on-line E-commerce.

12. As to Claim 6 and 15, the limitation of this claim has been noted in the above rejection claims 1,10. In addition, Alvin disclosed 'internal data sources are from accounting software' [page 9, line 21-25,page 24, line 20-27].

13. As to Claim 7 and 16, the limitation of this claim has been noted in the above rejection claims 1,10. In addition, Alvin disclosed 'internal data sources are from ERP software' [page 5, line 28-33, page 6, line 1-10], As best understood by the examiner, enterprise resource planning, a business management system that integrates all facets of the business, including planning, manufacturing, sales, and marketing, further ERP methodology help business managers implement ERP in business activities such as inventory control, order tracking, customer service, finance and human resources is part of Alvin's teaching.

14. As to Claim 8 and 17, the limitation of this claim has been noted in the above rejection claims 1,10. In addition, Alvin disclosed 'chart repository receives quires via the web server and determines whether it stores a chart corresponding to that query' [ page 11, line 18-27, page 24, line 7-11].

15. As to Claim 9 and 18, the limitation of this claim has been noted in the above rejection claims 1,10. In addition, Alvin disclosed 'web server services HTTP requests' [page 8, line 3-7, line 21-26].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alvin, WO 00/23929 published on 27 April 2000 as applied to claims 1 and 10 above, and further in view of Bakalash et al., [hereafter Bakalash], US Patent No. 6434544.

17. As to Claim 2 and 11, the limitation of this claim has been noted in the above rejection Claim 1,10, however, Alvin does not specifically teach 'OLAP'. On the other hand, Bakalash disclosed 'OLAP' [see Abstract, fig 1,7, col 6, line 56-65, col 8, line 48-58].



It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Bakalash et al into Dynamic selection of multiple distributors of Alvin because both Alvin and Bakalash are directed to on-line information, more specifically both are directed to on-line electronic commerce [see Alvin: fig 1, Abstract; Bakalash: Abstract, fig 1,7] and both are in the same field of endeavor. One of ordinary skill in the art at the time of applicants' invention to modify Alvin's reference, more specifically fig 1 to incorporate on-line analytical processing or OLAP operations of Bakalash fig 7 because that would have allowed users of Alvin's dynamic selection of multiple distributors for transaction process to support autonomic segments to minimize the amount of simultaneously handle data, further satisfying aggregation process that monitors various statical or dynamically set the roll-up order as suggested by Bakalash [see col 16, line 18-28], thus improving quality of data and performing fast on-the-fly aggregation in multidimensional data.

***Conclusion***

**The prior art made of record**

- a. US Patent No. 6434544
- b. WO 00/23929

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure


- c. US Patent No. 6055510
- d. US Patent No. 6557008
- e. US Patent No. 6477536
- f. US Patent No. 6029141
- g. US Patent No. 6154766
- h. US Patent No. 6651055
- i. WO 99/66446
- j. WO 01/22692

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is (703) 308-8538. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time. The TC2100's Customer Service number is (703) 306-5631.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (703) 305-9790. The fax phone numbers for the organization where the application or proceeding is assigned are as follows:

703/746-7238	<b>(After Final Communication)</b>
703/872-9306	<b>(Offical Communications)</b>
703/746-7240	<b>(For Status inquiries, draft communication)</b>

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

sc   
Patent Examiner.  
November 28, 2003.